

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Anantapur Municipal Corporation – Construction of Building on the 2nd Floor of Municipal Shopping Complex by Sri Sai Maheswara Educational Society, Anantapur for expansion of Degree College and lease of the Building – Permission – Accorded – Modified - Orders – Issued.

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MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (J) DEPARTMENT

G.O.Ms.No. 770

Dated: 18.11.2008.

Read the following:

1. G.O.Ms.No.746, Municipal Administration and Urban Development Department, Dated: 04.10.2007.
2. From the Commissioner, Anantapur Municipal Corporation, Anantapur Lr.No.2843/2006-G1, Dated: 06.02.2008.
3. From the Commissioner, & Director of Municipal Administration, Andhra Pradesh, Hyderabad Lr.No.2662/2008/N2, Dated: 13.02.2008.
4. Govt. Memo No.3555/J1/2008-1, Municipal Administration and Urban Development Department, Dated: 15.03.2008.
5. High Court of A.P. Orders Dated: 02.05.2008 in W.P.No.3800/2008 filed by Sri N. Chandramouli and another.
6. Govt. Memo No.3555/J1/2008-2, Municipal Administration and Urban Development Department, Dated: 21.07.2008.
7. From the Commissioner, Anantapur Municipal Corporation, Anantapur Lr.No.2843/2006-G1, Dated: 31.07.2008 further letter even No Dated: 02.08.2008
8. High Court of A.P. Orders Dated: 13.09.2008 in W.P.No.18552/08 filed by Sri C. Venkatesulu.
9. From the Commissioner, Anantapur Municipal Corporation Lr.No.2843/2006/G1, Dated: 15.09.2008 and further letter even No. Dated: 10.10.2008.

ORDER:

In the G.O.Ms.No.746, Municipal Administration and Urban Development Department, Dated:04.10.2007 Government have accorded permission to Sai Maheswara Educational Society, Anantapur to construct Building on the 2nd Floor for expansion of Degree College with their own funds as per the Rules of the Govt. and Building Plan approved by the competent authority and lease out the same space for period of 33 years @ 5% annual lease rent on Market value with enhancement of 33 1/3% over the existing lease amount for every succeeding three years as per the rules.

2. Subsequently Government have examined the report of the Commissioner, Anantapur Municipal Corporation on the dissent of the Corporators, on the orders issued in the G.O. first read above and directed the Commissioner, Anantapur Municipal Corporation to implement the orders issued in the G.O.Ms.No.746, MA & UD Dept., Dated:04.10.2007 vide Govt.Memo No.3555/J1/2008-1, Municipal Administration and Urban Development Department, Dated:15.03.2008. Further the Hon'ble High Court dismissed the Writ Petition filed against the orders issued in the G.O. first read above in its orders Dated:02.05.2008 in W.P.No.3800/08.

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3. In the Govt. Memo No.3555/J1/2008-2, Municipal Administration and Urban Development Department, Dated: 21.07.2008, Government kept the orders issued in the G.O.Ms.No.746, Municipal Administration and Urban Development Department, Dated:04.10.2007 in abeyance until further orders.

4. Sri C. Venkatesulu has filed the W.P.No.18552/2008 for implementation of Govt. Memo No.3555/J1/2008-2, Municipal Administration and Urban Development Department, Dated:21.07.2008 and also for direction against the sixth respondent namely Sai Maheswara Educational Society, Anantapur to stop the construction as per the Memo dated:21.07.2008. The Hon'ble High Court after hearing at length, directed the Government to take a final decision in the matter in pursuance to the Government Memo Dated: 21.07.2008 by hearing both parties on 20.10.2008 and take final decision in the matter on or before 11.11.2008.

5. In compliance of the above directions of the Hon'ble High Court, Government conducted hearing on 20.10.2008 with the concerned and obtained their written statements. The Superintending Engineer, Public Health, Anantapur was deputed to personally inspect the site and he has also submitted a report informing that about 60% of the construction work is completed.

6. Government have examined the entire matter in detail with reference to the further report on the subject matter and also statements of the respondents in W.P.18552/2008 obtained on 20.10.2008 and observed that the Shopping Complex at the Clock Tower is located at the heart of the City and it is not appropriate to run college at such a central location without adequate open grounds. Further Sri Sai Maheswara Educational Society, Anantapur has already invested substantial amounts for construction of the second floor. Hence it is decided to modify the orders issued in the G.O. first read above.

7. Government, therefore, in supercession of the Govt. Memo sixth read above and in modification of the orders issued in the G.O. first read above, here by issue the following revised orders:

- i. The terms and conditions of the lease of the second Floor terrace of the Municipal Shopping Complex to the Sai Maheswara Educational Society, Anantapur be changed on the lines similar to the lease of 16 Shops in the First Floor already leased out to them by the Anantapur Municipal Corporation in 2006.
- ii. Sai Maheswara Educational Society, Anantapur shall continue the construction and complete the structures in the Second Floor by March, 2009.
- iii. The Lessee should be paid the cost of construction incurred by him by the Government as assessed by competent authority by providing sufficient amount in the next budget, keeping in view the weak financial position of the Anantapur Municipal Corporation.
- iv. On expiry of the lease period, the property shall revert to the Corporation for allotment of the commercial space on lease basis through auction for purposes other than running of any educational institution.

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8. The Commissioner and Director of Municipal Administration, Andhra Pradesh / Commissioner, Anantapur Municipal Corporation, Anantpur shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

PUSHPA SUBRAHMANYAM,
SECRETARY TO GOVERNMENT

To

The Commissioner & Director of Municipal Administration,
Andhra Pradesh, Hyderabad.

The Commissioner, Anantapur Municipal Corporation,
Anantapur, Anantapur District.

Copy to:

The Director of Town and Country Planning,
Andhra Pradesh, Hyderabad.

The Municipal Administration and Urban Development (K / TC)

Department (with a request to take necessary action on item-iii of para-7 of the G.O.)

The District Collector, Anantapur.

The P.S. to Special Secretary to C.M.

The P.S. to Minister for Municipal Administration.

The P.S. to Prl. Secretary to Govt., MA & UD Dept.

The P.S. to Secretary to Govt. (P), MA & UD Dept.

The Government Pleader for Municipal Administration,
High Court of Andhra Pradesh, Hyderabad.

Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER